

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on February 21, 2006 at 7:00 p.m. after a 6:30 p.m. caucus session.

Mayor White presiding.

Mayor White led the Pledge of Allegiance

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance were City personnel: City Attorney/Treasurer/Administrator J. Preston Owen, Public Works Director David Wortman, Fire Chief Bruce Grafton, Community Development Coordinator Kyle Gill, Police Chief Larry Metzelaars, and City Clerk Susan O'Brien.

Mayor White acknowledged Mr. Alan Gilmore, and announced Mr. Gilmore's commencement as City Administrator on March 1, 2006.

**CONSENT AGENDA:**

*Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.*

Mayor White seconded by Commissioner Ervin moved to approve the consent agenda consisting of: minutes of the regular meeting February 7, 2006; special meeting February 13, 2006; Fire Department report for the month of January, 2006; payroll and bills for the first half of February; Council Decision Request 2006-569, rescinding the previous bid from Architextures Design Center, and award the next lowest bid to Commercial Floor Covering, Inc. in the amount of \$14,732.00; and Council Decision Request 2006-570, authorizing the purchase of two replacement Mobile Data Computers and supplemental items for the Mattoon Police Department with funds from the Federal Sharing (Omega) Account.

<b>Bills and Payroll for the first half of February</b>			
<b><u>General Fund</u></b>			
Payroll		\$	219,552.45
Bills		\$	<u>90,507.04</u>
	Total	\$	310,059.49
<b><u>Hotel Tax Fund</u></b>			
Payroll		\$	1,415.62
Bills		\$	<u>1,085.91</u>
	Total	\$	2,501.53
<b><u>Festival Management</u></b>			
Bills		\$	<u>738.75</u>
	Total	\$	738.75
<b><u>Insurance &amp; Tort Judgment</u></b>			
Bills		\$	<u>26,080.51</u>
	Total	\$	26,080.51
<b><u>Midtown TIF Fund</u></b>			
Bills		\$	<u>65.00</u>
	Total	\$	65.00
<b><u>Capital Project Fund</u></b>			
Bills		\$	<u>187,294.76</u>
	Total	\$	187,294.76
<b><u>Water Fund</u></b>			
Payroll		\$	29,067.35
Bills		\$	<u>36,054.83</u>
	Total	\$	65,122.18

**Sewer Fund**

Payroll		\$	29,444.20
Bills		\$	89,181.27
	Total	\$	118,625.47

**Cemetery Fund**

Payroll		\$	2,867.35
Bills		\$	4,010.46
	Total	\$	6,877.81

**Motor Fuel Tax Fund**

Bills		\$	2,195.93
	Total	\$	2,195.93

**Revolving Loan Fund**

Bills		\$	280.00
	Total	\$	280.00

**Health Insurance**

Bills		\$	82,683.93
	Total	\$	82,683.93

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion to approve the consent agenda approved by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

**PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS:**

*This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.*

Mayor White opened the floor for public discussion. There were no public comments.

**NEW BUSINESS:**

Commissioner Ervin seconded by Commissioner Schilling moved to adopt Ordinance 2006-5215, authorizing the Fire Chief to appoint the Assistant Fire Chief to be concurrent with State statute (65 ILCS 5/10-2.1-4 Sec. 10-2.1-4).

**CITY OF MATTOON, ILLINOIS  
ORDINANCE NO. 2006-5215**

**AN ORDINANCE AMENDING CHAPTER 34.42 OF THE MATTOON CODE OF  
ORDINANCES TO ALLOW THE FIRE CHIEF TO APPOINT THE ASSISTANT FIRE CHIEF WITH THE ADVICE  
AND CONSENT OF THE CITY COUNCIL**

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

**Section 1.** Chapter 34.42 of the Mattoon Code of Ordinances is amended by repealing all of said Chapter and adopting in lieu thereof a new Chapter 34.42 as shown below:

**§ 34.42 ASSISTANT FIRE CHIEF.**

(A) There is hereby created the office of Assistant Fire Chief, who shall hold office until he is replaced and his successor appointed and qualified. The Fire Chief with the advice and consent of the City Council shall appoint the Assistant Fire Chief.

(B) An Assistant Fire Chief may be appointed from any rank of full-time members of the Fire Department but must have at least five years of full-time service as a member of the Fire Department. The Assistant Fire Chief shall serve at the discretion of the Fire Chief and, if

removed from that position, shall revert to the rank held before the promotion to Assistant Fire Chief without regard as to whether a vacancy exists in that rank.

(C) The Assistant Chief shall be qualified to assume all the duties of the Fire Chief and shall be subject to the ordinances affecting the Chief. He shall be subject to the orders of the Chief and in the absence of the Chief, he shall take active charge, management and control of the Fire Department, and he shall have the same powers to act as the Chief of the department in all such absences.

(D) The Assistant Fire Chief shall work an eight-hour shift, five days per week.

**Section 2.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 3.** This ordinance shall be effective on its approval as provided by law.

Upon motion by Commissioner Ervin, seconded by Commissioner Schilling, adopted this 21st day of February, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,  
Commissioner McKenzie, Commissioner Schilling,  
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 21st day of February, 2006.

/s/ Charles E. White  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Mayor White opened the floor for discussion. No Discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to adopt Special Ordinance 2006-1109, authorizing an extension of the utilities franchise and license agreement between AmerenCIPS, Coles-Moultrie Electric Cooperative, and the City of Mattoon for a one-year period expiring March 6, 2007.

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## **SPECIAL ORDINANCE NUMBER: 2006 -1109**

### **AN ORDINANCE EXTENDING THE TERM OF AN ELECTRIC AND GAS FRANCHISE AGREEMENT WITH AMERENCIPS AND AN ELECTRIC FRANCHISE AGREEMENT WITH COLES-MOULTRIE ELECTRIC COOPERATIVE**

**WHEREAS**, the City of Mattoon (the "Municipality") is a unit of local government with authority to legislate in matters concerning its local government and affairs; and

**WHEREAS**, the current electric and gas franchise ordinance, Ordinance #3804 (the "Electric and Gas Franchise Ordinance") between the Municipality and Central Illinois Public Service Company d/b/a AmerenCIPS (the "Company") expires on March 6, 2006; and

**WHEREAS**, the current electric franchise ordinance, Ordinance #66-4071 (the "Electric Franchise Ordinance") between the Municipality and Coles-Moultrie Electric Cooperative (the "Cooperative") expires on March 6, 2006; and

**WHEREAS**, it is in the best interests of the health, safety and welfare of the citizens of the Municipality to extend the term of the Electric and Gas Franchise Ordinance and the Electric Franchise Ordinance; and

**WHEREAS**, all Ordinances, or parts of Ordinances, in conflict herewith are hereby repealed effective upon the effective date of this Ordinance; and

**WHEREAS**, this Ordinance shall be in force and effect from and after its passage, acceptance and, if necessary, its recordation.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS:**

That the terms of the Electric and Gas Franchise Ordinance and the Electrical Franchise Agreement are hereby extended until March 6, 2007 (the “Initial Term”) and the term of said Electric and Gas Franchise Ordinance and Electrical Franchise Ordinance will be renewed automatically for additional one year periods (a “Subsequent Term”) unless cancelled by either party with at least 60-days notice prior to the expiration of the Initial Term or any Subsequent Term. Either of these extensions can also be cancelled immediately by agreement of both parties involved in each extension. Except as expressly modified by this Ordinance, the provisions of the Electric and Gas Francis Ordinance and the Electrical Franchise Ordinance shall remain unchanged and in full force and effect.

Upon motion by Mayor White, seconded by Commissioner Cline, adopted this 21st day of February, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,  
Commissioner McKenzie, Commissioner Schilling,  
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 21st day of February, 2006.

/s/ Charles E. White  
Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O’Brien  
Susan O’Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

(Special Ordinance 2006-1110: Rezoning of Stoltzfus Property located North of Northwest corner of the intersection of Old State Road and 9<sup>th</sup> Street from R-3 (Multiple-Family) to C-4 (General Commercial) was not considered at this meeting.)

Mayor White seconded by Commissioner Schilling moved to adopt Special Ordinance 2006-1111, approving a re-plat of Buck Grove Estates PUD, Lots 8 through 12; Buck Grove Estates PUD, Lots 13 through 24; and Meadowview Acres Subdivision into a combined Meadowview Estates Subdivision adjacent to Meadowview Golf Course – Kirk Swensen, Deborah Boldig and Max Jaeger, Applicants.

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## **CITY OF MATTOON, ILLINOIS**

### **SPECIAL ORDINANCE NO. 2006-1111**

AN ORDINANCE APPROVING SUBDIVISION PLAT OF MEADOWVIEW ESTATES SUBDIVISION, A REPLAT OF BUCK GROVE ESTATES, P.U.D. LOTS 8-12, BUCK GROVE ESTATES, P.U.D. LOTS 13-24, AND MEADOWVIEW ACRES

**WHEREAS**, a request to approve a replat, of Buck Grove Estates, P.U.D. Lots 8-12, Buck Grove Estates, P.U.D. Lots 13-24, and Meadowview Acres has been present to the City of Mattoon, on behalf of the owners of said real estate;

**WHEREAS**, the owners of the real estate believe it would be beneficial to the public, for the three separate subdivisions to be combined



Council reconvened from closed session at 8:35 p.m.

(Council Decision Request 2006-572: Approving the appointment of Charlie Elliott as Transportation Manager, effective February 20, 2006, and defining the Public Works Organizational Chart was not considered, due to Mr. Elliott's withdrawal.)

Commissioner Ervin seconded by Commissioner Cline moved to approve Council Decision Request 2006-573, authorizing additional compensation for Assistant Chief W. Tim Bragg, who is retiring effective March 1, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adjourn at 8:36 p.m.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien  
City Clerk